

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIME WARNER CABLE OF NEW YORK CITY,

Plaintiff,

-against-

NOT FOR PUBLICATION
ORDER
00-CV-1525 (CBA)

CAIRO THOMAS, et al.,

Defendants.

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AMON, UNITED STATES DISTRICT JUDGE:

On June 21, 2000, the Court issued a default judgment against defendant Kenneth Thompson in this case and referred the matter to Magistrate Judge Levy to make a recommendation on damages. On August 1, 2001, Magistrate Judge Levy issued a report and recommendation ("R&R") recommending, in part, that the plaintiff be awarded statutory damages of \$10,000 and \$602.37 in costs and attorney's fees against defendant Thompson. Magistrate Judge Levy directed plaintiff to serve a copy of the R&R on the defendant. There is no indication on the docket sheet that the R&R was served on the defendant at that time. In fact, counsel notes in his recent letter of May 18, 2007 that the R&R was not served on the defendant until September 22, 2005. On June 20, 2002, the case was closed in error. As plaintiff's counsel notes, the fact that the case was closed in error was not brought to the Court's attention until counsel filed the May 18, 2007 letter requesting that the Court adopt the R&R. Despite having been served with the R&R in 2005, Thompson has never filed any objections. Accordingly, the Court adopts the R&R and directs the Clerk of the Court to enter judgment in the amounts set forth above.

SO ORDERED.

Dated: Brooklyn, New York
May 25, 2007

Carol Bagley Amon
United States District Judge